

William S. Smith
1167 West Gore Road
Erie, Pennsylvania 16509
(814) 449-2108

September 20, 2005

United States Attorney's Office
ATTN: Marshall Piccinnini, Esq.
137 US Courthouse
Erie, Pennsylvania 16502

Re: United State of America v. Jason J. Smith, et al.
United States District Court, Western District of Pennsylvania
Case No. 1:95-CR-00002

Dear Mr. Piccinnini:

Please accept this correspondence as a formal, written request seeking the return of personal property currently being held as evidence in the above-captioned matter. For your convenience, I am enclosing a copy of a ***Motion for Return of Property*** filed with District Court on January 12, 2005 (said Motion sets forth the property held). Also enclosed is a copy of the relevant portion of the docket evidencing no ruling having yet been made by the Court.

To that end, I ask for your assistance and/or guidance as to what requirements must be satisfied in order that my personal property be returned to me. Should you have any questions, or require anything further, please feel free to contact me at the number listed above. Thank you for your consideration.

Sincerely,



William S. Smith

enclosure(s)

cc: Honorable Judge Sean J. McLaughlin
Honorable Judge John J. Trucilla
Michael Leo Ivory, Esq.
Millcreek Police Department
Clerk of Courts

RECEIVED

SEP 26 2005

CLERK U.S. DISTRICT COURT
WEST. DIST. OF PENNSYLVANIA

Mr. William S. Smith
Pro Se
1167 West Gore Rd
Erie, Pa. 16509

January 5, 2005

Mr. Robert V. Barth, Jr.
Clerk of the Court
P.O. Box 1820
Erie, Pa. 16507

RECEIVED

JAN 12 2005

re: Motion for Return of Property, F. R. Cr. Proc. 41(g)
Criminal no. 95-0270, District Court
CLERK U.S. DISTRICT COURT
OFFICE OF PENNSYLVANIA

Dear Sir:

I, William S. Smith, respectfully request that this letter motion be docketed, filed, and forwarded to the Honorable Sean J. McLaughlin for his consideration therewith.

I respectfully request the Court's permission to join, and hereinafter to be considered as joined, in part, my brother's (Jason J. Smith) motion for return of evidence under the Fed. R. Cr. Proc. 41(g), filed in this Court on October 12, 2004, as captioned above. The part to which I now join, should the Court so permit, is that part referring to specified firearms that are my lawful property, and have been identified as such throughout the proceedings as property sought to be returned to me. Therefore, for the reasons previously set forth in the motion in the above captioned matter, I respectfully pray that the Court grant and order the specified property be returned to my possession.

For the Court's convenience, the property specifically referred to is set forth below:

Property Number 94-11378-RA

- a. Fabrique Nationale De Guerre Herstal Belgique
9mm ser. 75604
- b. Magazine for above pistol

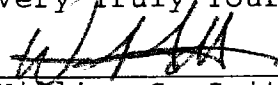
AND,

Property Number 94-11378-RH

- b. Intertech MDL TEC DC9 9mm pistol serial #D045661
with five (5) magazines.
- c. American Arms MDL NKC-MI 45 cal. Spectra NC
pistol serial #B6897 and clip.

Thankyou for your time and consideration.

Very Truly Yours,


William S. Smith, Pro Se

/jjs.
WSS

		motion to destroy evidence. (sdp) (Entered: 01/05/2005)
01/12/2005	290	MOTION by WILLIAM S. SMITH to be considered as joined, in part, my brother's (Jason J. Smith) motion for return of evidence with Proposed Order. (mad) (Entered: 01/12/2005)
02/01/2005	291	ORDER as to JASON J. SMITH granting [283-1] motion to destroy evidence as to JASON J. SMITH (1) as more fully stated in this Order. (signed by Judge Sean J. McLaughlin on 2/1/05) CM all parties of record. (mad) (Entered: 02/02/2005)
03/17/2005	292	Property in Dispute by JASON J. SMITH (mad) (Entered: 03/17/2005)
04/01/2005	293	MOTION by JASON J. SMITH for return of property with Proposed Order. (mad) (Entered: 04/01/2005)
04/07/2005	294	SUPPLEMENT & RESPONSE by USA as to JASON J. SMITH re [293-1] motion for return of property with proposed order (mad) Modified on 04/07/2005 (Entered: 04/07/2005)
04/08/2005	295	ORDER as to JASON J. SMITH that the government's motion to destroy evidence is GRANTED with respect to any ammunition contained in magazines being returned to the deft and the following items: Property No. 94-11378-RP N. Omega stun gun with instructions; Property No. 94-11378-RX a. One Od Green Wooden Ammo Case with 40 Bundles of 7.62 Ammunition n. SKS M 7.62x39mm C&A Norinco Serial #9364794 q. Interstate Arms MAK-90 Sporter 7.62x39 Serial #9335549 v. 108 Rounds of 7.62 Caliber Ammunition. It Ordered that the deft's motion for return of property is denied for lack of standing with respect to the following items: Property No. 94-11378-RA a. Fabrique Nationale DeGuerre Herstal Belgigue 9mm Serial #75604 b. Magazine for above pistol Property No. 94-11378-RH b. Intertech Model TEC DC9 9mm Pistol Serial #D045661 c. American Arms Model NKC-MO 45 Caliber Spectra NC Pistol Serial #B6897 and Clip. McLaughlin, J. on 4/8/05) CM all parties of record. (mad) Modified on 04/11/2005 (Entered: 04/11/2005)
04/29/2005	296	NOTICE OF APPEAL from [295-1] order by JASON J. SMITH (1) count(s) 1s, 1, 2s, 2, 3s, 3, 5s, 5, 6s, 6, 7s, 7, 8s, 8, 9s, 9 . (mad) (Entered: 04/29/2005)
04/29/2005		Certified copy of Notice of Appeal [296-1] appeal as to JASON J. SMITH , certified copy of docket, certified copy of order dated 4/8/05 mailed to USCA; copy of Notice of Appeal and information sheet to JASON J. SMITH , court reporter(s), and judge. Copy of information sheet to appellant. (mad) (Entered: 04/29/2005)
05/02/2005	297	MOTION by JASON J. SMITH to Stay or injunction pending appeal with Proposed Order. (mad) (Entered: 05/02/2005)
05/03/2005	298	ORDER as to JASON J. SMITH, that the Pltf file a Response to Motion set to 5/16/05 for JASON J. SMITH for [297-1] motion to Stay (signed by Judge Sean J. McLaughlin on 5/3/05) CM all parties of record. (mad)